


GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
<b>Chapter 44</b>	<b>Juvenile Operations</b>	
<b>Date Initially Effective 07/15/94</b>	<b>By The Order Of:</b>  <b>Hassan M. Aden, Chief of Police</b>	
<b>Date Revised 07/30/13</b>	<b>Date Reissued 07/30/13</b>	<b>Page 1 of 6</b>

#### 44.1.1 OBJECTIVES OF JUVENILE OPERATIONS

CALEA Standard: 44.1.1, 44.1.2, 44.1.3

The Greenville Police Department shall develop and maintain youthful offender law enforcement operations that will emphasize rehabilitation rather than punishment. Sworn personnel shall discharge their duties in a manner that is consistent with the best interest of the youth involved.

The Greenville Police Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency within the community. Police officers will use the definitions under North Carolina General Statute 7B-101 for determining when persons will be classified as juveniles. Police officers are encouraged to divert juveniles away from delinquency through referrals, counseling, and education. When formal court referral is indicated, police officers shall be fair and impartial while being mindful that their official action will take into account what is in the best interest of the juvenile offender and the community as a whole.

##### Juvenile Unit Functions

The Greenville Police Department Juvenile Unit is a function of the Greenville Police Department Special Victims Unit. The Juvenile Unit activities include:

- Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youth
- Follow-up processing of youth arrests
- Coordinating or preparing court cases in which a juvenile offender is involved
- Diverting juvenile offenders from the juvenile justice system
- Maintaining liaison with local school systems and area agencies providing services to youthful community members
- Make referrals to juvenile court when indicated

##### Shared Responsibilities

The juvenile operations and delinquency prevention efforts of the Greenville Police Department are not limited to the activities of the Juvenile Unit. The responsibility for participating in and supporting the juvenile operations function is shared by all components and personnel of the Greenville Police Department. All police officers should be familiar with methods and procedures for addressing both criminal and noncriminal problems involving juveniles.

The Patrol Supervisor should determine the following information prior to contacting a juvenile officer:

- When the crime took place

- Where the crime took place
- If a patrol officer can proceed within the scope of their responsibility
- If the supervisor needs assistance from a Juvenile Unit Detective

Juvenile Unit Detectives should always be called out for the following:

- Juvenile death investigation
- Juvenile rape within 72 hours of occurrence
- First or second degree sex offenses
- Physical abuse or assault resulting in serious bodily injury (whether committed against a juvenile or by a juvenile)
- Request by the Department of Social Services requiring the assistance of a juvenile investigator
- Incidents requiring the contacting of the State Bureau of Investigation

If a patrol supervisor determines that a juvenile detective should be called out, he/she should contact the on-call supervisor for the Special Victims Unit prior to calling out a detective.

#### **Juvenile Officers**

Police officers assigned to the Juvenile Section of the Special Victims Unit shall have the primary responsibility for the coordination of prosecution efforts of juvenile offenders. Responsibilities of the Juvenile Unit include:

- Conducting initial investigations or follow-up investigations involving juvenile offenders
- Assisting patrol officers in cases involving juvenile offenders, victims, or suspects
- Serving as school liaison officers
- Serving as liaison with other agencies and organizations interested in juvenile matters

#### **Evaluation of Juvenile Programs and Policies**

The Criminal Investigations Bureau Commander or a designee shall conduct an annual evaluation of juvenile enforcement and prevention programs. Quantitative and qualitative elements of such plans will be assessed to determine if a particular program should be continued, modified or discontinued. A copy of this report shall be maintained by the Special Victims Unit Supervisor.

This agency encourages review and comment by other elements of the juvenile justice system.

Juvenile Justice System elements shall be given the opportunity to review and comment during the development or revision of Greenville Police Department policies and procedures relating to juvenile operations.

#### **44.2.1 SELECTION OF REASONABLE ALTERNATIVES**

##### **CALEA Standard: 44.2.1**

Police officers dealing with juvenile offenders shall use the least forceful of available alternatives, consistent with preserving public safety, order, and individual liberty. When taking a juvenile into temporary custody, police officers should select the least restrictive course of action appropriate to the situation and needs of the juvenile from the following alternatives:

- Divert the juvenile from the court by release to parent or guardian with no further action
- Divert the juvenile from the court by counsel and release to parent or guardian
- Divert the juvenile from the court by referral to community resources
- Release the juvenile to a parent or guardian and later seek a petition
- After consideration of the seriousness of the offense, circumstances, and previous history, the officer may refer the juvenile to the Court Intake Counselor, seek a petition for review, and request an order for secure or non-secure custody

When determining the course of action to be taken with juvenile offenders, police officers should consider the following factors:

- Nature of the alleged offense
- Age and circumstances of the offender
- Offender's record, (including school records)
- Availability of community-based programs
- Needs and limitations of the juvenile
- Strengths and weaknesses of the family
- Concerns of any victims or complainants

#### **Criteria Governing Intake Referrals of Juvenile Offenders**

Juveniles committing offenses in the following categories should be referred to an Intake Counselor:

- Delinquent acts that would be felonies if committed by an adult
- All offenses with sexual motives
- Criminal acts involving weapons
- Serious gang-related delinquent acts
- Delinquent acts involving aggravated assaults
- Delinquent acts committed by juveniles under probation or parole or by those with a case pending
- Repeated delinquent acts within a 12-month period
- Other situations as determined necessary by the Juvenile Investigator conducting the investigation; such as, juveniles who have been selected for a diversion program, but have refused to participate and cases in which it has been determined that parental supervision is not effective.

#### **Procedures for Release or Referral of Juvenile Cases**

Juveniles in the custody of Greenville Police Department personnel shall only be released to a parent, guardian, or other appropriate authority. Departmental referrals for juvenile cases may include, when appropriate:

- Warnings
- Informal referrals
- Consulting with parents or guardians
- Arranging for corrective actions by parents

#### **Issuing Written Citations or Summonses to Juvenile Offenders**

When a juvenile (an individual under 16 years of age) commits a misdemeanor or infraction, the police officer shall follow all applicable procedures in accordance with N.C.G.S. 15A-505. Violations constituting a misdemeanor or infraction of the law and committed by juveniles under the age of 16 may be charged on a petition if the Intake Counselor deems there is evidence present. The petition shall serve as a summons citing the juvenile to appear in court. All such summonses or written citations must be issued by the Juvenile Court Intake Counselor. A juvenile taken into temporary custody shall not be held for more than twelve hours unless:

- A petition for review has been filed by an Intake Counselor
- An order for secure custody or non-secure custody has been entered by a judge

An individual 16-18 years of age, charged with a misdemeanor or infraction, may be issued a Uniform Traffic Citation and processed as an adult.

A police officer who charges an individual 16-17 years of age with a criminal offense must meet the school and parental notice requirements established by North Carolina General Statute. This notice is not required if the individual:

- Is emancipated
- Has been charged with a motor vehicle moving violation for which less than three points are assessed under G.S. 20-16 (c), except an offense involving impaired driving
- Has been charged with a motor vehicle offense that is not a moving violation

**44.2.2 TAKING A JUVENILE INTO CUSTODY**

CALEA Standard: 44.2.2, 82.1.2

North Carolina General Statutes Chapter 7B provides a juvenile may be taken into temporary custody without a court order if:

- The juvenile is alleged to have been engaged in noncriminal misbehavior (a status offense)
- The juvenile is alleged to have been harmed or to be in danger of harm
- Grounds exist for the arrest of an adult in identical circumstances under G.S. 15A-401 (b)
- There are reasonable grounds to believe that the juvenile is undisciplined
- There are reasonable grounds to believe the juvenile is an absconder from any state training school or approved detention facility

**In-custody Procedures**

Police officers taking a juvenile into custody shall:

- Ensure that the constitutional rights of the juvenile are protected
- Transport the juvenile to the Greenville Police Department or appropriate juvenile intake facility without delay (unless the juvenile is in need of emergency medical treatment)
- Juveniles shall not be handcuffed to the fixed eyelet bolts in the interview room or any other object while in the custody of the Greenville Police Department.
- Notify the juvenile's parents or guardians that the juvenile has been taken into custody in accordance with N.C.G.S. 15A-505 and prepare a parental notification sheet
- Complete appropriate form to comply with school notification requirements
- When appropriate, conduct an interview with the parents or guardians to seek insight into the juvenile's behavior
- Examine all factors to determine the most appropriate solution to the case

**Procedures for Processing Juveniles for Identification**

A juvenile shall only be processed pursuant to a court order obtained by the District Attorney's Office unless the juvenile has been transferred to Superior Court for trial as an adult or is not subject to delinquency proceedings for fingerprinting or photographing. The North Carolina Attorney General has ruled that chemical analysis procedures do not require a non-testimonial identification order. Grounds for obtaining a non-testimonial order include:

- A felony offense
- Reasonable suspicion to believe that the juvenile committed the offense
- Results of the procedure being of material aid in determining whether the juvenile named committed the offense
- A request by the juvenile that non-testimonial procedures be conducted (a court order would be required)

Criteria for the destruction or retention of records resulting from non-testimonial identification orders include:

- If a petition is not filed, all evidence obtained must be destroyed.
- If the juvenile is found not guilty, or is under the age of 14 and found guilty of a non-felony, all evidence must be destroyed.
- If the juvenile is 14 and found guilty of a felony, all records may be retained in the court file and may be used by the law enforcement officer in the investigation of a crime.
- If transferred to Superior Court, all records from non-testimonial orders shall be processed as in the case of an adult.
- Any evidence seized pursuant to a non-testimonial order shall be retained by the police officer until a subsequent order is entered by the court.

- Destruction of non-testimonial order records shall be performed by the law enforcement agency. Following destruction, written certification will be sent to the court.
- Fingerprints and photographs of individuals 16 to 18 years of age are to be forwarded to SBI.

### **Juvenile Records**

Records pertaining to arrest and identification of juveniles shall be maintained separate from those of adults. Disposition and expungement of juvenile records will be in accordance with applicable North Carolina General Statutes. The Community Services Supervisor shall oversee the expungement of juvenile records. When a juvenile offender reaches the age of 16, the juvenile can petition the court to purge the juvenile's records. Juvenile Records may be viewed by law enforcement officers on an authorized, need-to-know basis only after approval by the Criminal Investigations Bureau Commander. An individual juvenile's record will only be open to inspection by prosecutors, court counselors, the juvenile, the parent, guardian or custodian. When a juvenile offender reaches the age of 16, the juvenile can petition the court to purge the juvenile's records.

Pursuant North Carolina General Statute 7B-3100 a standing order provides for the sharing of information with regard to abused, neglected, and dependent children in certain situations. Any information shared pursuant to this statute shall remain confidential and shall only be shared and used as provided for in the statute. Agency names for Pitt County designated as authorized to share information are as follows:

- District 3A Division of Juvenile Services of the Administrative Office of the Courts
- Office of the District Attorney
- Office of Guardian Ad Litem Services of the Administrative Office of the Courts
- Pitt County Department of Social Services
- East Carolina Behavioral Health, LME
- Pitt County Public Health Center
- Pitt County Board of Education
- Pitt County Sheriff's Office
- North Carolina State Highway Patrol
- State Bureau of Investigation
- Ayden Police Department
- Bethel Police Department
- Farmville Police Department
- Greenville Police Department
- Grifton Police Department
- Winterville Police Department

### **44.2.3 PROCEDURES FOR CUSTODIAL INTERVIEWS**

CALEA Standard: 44.2.3

Police officers interviewing a juvenile shall ensure that the parents or guardians of the juvenile are notified of the reason for the interviewing. Prior to questioning, police officers interviewing a juvenile under 18 years of age shall ensure that the juvenile is advised of his/her Miranda rights using the juvenile rights. All Departmental and juvenile justice system procedures must be explained to the juvenile and the juvenile's parents or guardians at the time of the interview. If the juvenile is less than 14 years of age, the juvenile must have a parent, guardian, or lawyer with them during questioning. Juveniles 14 years old and older may waive the right to have a parent, guardian or lawyer present.

#### **Interviews of juveniles:**

- Are limited in duration to no more than two hours at any one session
- Involve no more than two police officers in the actual interview of a juvenile
- Be conducted in a reasonable manner and not cause undue stress for the juvenile

- If feasible, are recorded electronically visually and through audio. However, at a minimum, an audio recording shall be done as required in NCGS 15A-211 (d)

Exceptions to the two-hour limitation for interviews may be made at the discretion of the Criminal Investigations Bureau Supervisor.

With regards to the multidisciplinary team approach to interviews conducted in cooperation with the TEDI-BEAR Project, interviews with juveniles may extend the two-hour limitation at the agreement and discretion of the Greenville Police Detective and the clinician involved in the interview.

#### **44.2.4 SCHOOL LIAISON PROGRAM**

CALEA Standard: 44.2.4

The Greenville Police Department will establish and maintain a school liaison program through the use of the School Resource Officers, Juvenile Investigators, and the D.A.R.E. Officers. Responsibilities within the school programs include:

- Acting as resources with respect to delinquency prevention
- Providing guidance on ethical issues in a classroom setting
- Providing individual counseling and/or mentoring to students
- Explaining the law enforcement role in society

#### **44.2.5 COMMUNITY RECREATIONAL YOUTH PROGRAM**

CALEA Standard: 44.2.5

The Greenville Police Department supports the philosophy on police interaction with youth and encourages all its employees to participate in community recreational youth programs.

GREENVILLE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES		
<b>44-1-1</b>	<b>Related Policy Chapter: Truancy Prevention Program</b>	
<b>Date Initially Effective 08/13/08</b>	<b>By The Order Of: _____ William J. Anderson, Chief of Police</b>	
<b>Date Revised</b>	<b>Date Reissued</b>	<b>Page 1 of 2</b>

**A. PURPOSE**

The purpose of this directive is to provide Department employees with the appropriate procedures to be used when observing a possible truant juvenile or responding to a truancy call for service. The Greenville Police Department and the Pitt County Schools have partnered to address truancy in public schools through the Greenville Police Department Truancy Prevention Program.

**B. DISCUSSION**

The program will provide officers with an additional resource to address juvenile- related problems during school hours. Additionally, the transfer of information from officers to the Pitt County Schools can provide valuable documentation to facilitate possible administrative or legal actions.

**C. DEFINITIONS**

*Truant:* a juvenile at least seven, but less than sixteen years of age who is absent from school without a lawful excuse. (N.C.G.S. 115c-378)

**D. GOALS**

1. To return out of school youth found skipping back to school.
2. To enforce the compulsory school attendance law.
3. To reduce the dropout rate.
4. To reduce child victimization, and crime committed by school age children.

**E. RESPONSIBILITIES OF RESPONDING OFFICERS**

1. When an officer observes a possible truant or responds to a truancy call for service, the officer should conduct a voluntary field interview with the juvenile and complete a field interview card. The contact must be voluntary, unless the officer has reasonable suspicion to believe the juvenile is truant. The officer must structure the contact in such a manner that a reasonable juvenile would feel free to leave and/or refuse to answer the officer's questions.

If the juvenile walks away during the contact, the officer can lawfully walk along with the juvenile and continue the interview. If the juvenile is detained due to criminal involvement in addition to truancy, the officer shall complete a juvenile custody report. In that circumstance, the field interview card is not necessary.

2. Officers should use discretion when considering whether to pursue a fleeing juvenile suspected only of truancy. Officers should not use force that may result in injury to the juvenile.

3. The officer should question the juvenile about his/her absence from school. The officer may briefly detain the juvenile if there is reasonable suspicion to believe he/she is truant. Communications will maintain current phone numbers for the Pitt County School administrative office. The officer can contact, or have Communications contact the Pitt County Schools administrative office to determine a student's current enrollment status including which school the student attends, if the student is truant, suspended, or expelled. Daily records concerning attendance are generally available after 10:00 am each day. Alternately, if the officers determines through the interview that the student attends, or is truant from, a specific school, the officer may contact the school directly. In the event a juvenile is detained and the officer unable to contact the Pitt County Schools office and is unable to determine the student's school or enrollment status, the officer will contact the juvenile's parent or guardian to determine the juvenile's current status to determine the appropriate course of action.
4. If the officer has probable cause to believe that the student is truant, the officer will take the juvenile to the school in which the juvenile is enrolled. The officer or Communications will notify the school that the officer is enroute with the truant student. The officer will take the student to the principle's office where the school administrative staff will take responsibility for the truant student. In those circumstances in which the student is violent or abusive, the officer or a School Resource Officer may need to stand by or take additional action.
5. The officer's action will be documented on either the field interview card or, if criminal involvement, an incident report. If documentation is limited to a field interview card, the CAD generated call number shall be included on the card.
6. If, based on the circumstances and the officer's observations, the officer believes that the parent(s) of the child have been criminally negligent; an incident report shall be completed to document the incident and/or the filing of criminal charges.